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10/517,519	12/13/2004	Anton Stich	21415	7072
7590		08/21/2007		
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		EXAMINER		
		WEBB, TIFFANY LOUISE		
		ART UNIT		PAPER NUMBER
		3616		
		MAIL DATE		DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,519

Applicant(s)

STICH, ANTON

Examiner

Tiffany L. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 5 recites the limitation "the engine" in line 2, and "the body" in line 3.
There is insufficient antecedent basis for this limitation in the claim.
- Claim 11 is very unclear. The use of "means for" language is unclear and confusing. In line 5, "means mounted on one of said steering column and said steering wheel for said vibrations" is unclear to what is included in the means. Also, if the examiner is interpreting properly, the means for said vibrations is also unclear because it is believe that the placement of the means in question seems to be where the vibration suppression means is located.
- Also in claim 11, line 7, "means mounted on said steering column between said connection of said steering column and said body...for emitting counter-vibrations" is extremely unclear and the examiner suggests cleaning up the language to better clarify what the means is and where it is located.
- Also in claim 11, line10, "means responsive to said means for sensing said first mentioned vibrations for activating said means for emitting said counter-vibration"

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is unclear to what the initial "means" is encompassing. Again, the examiner suggests cleaning up the unclear language.

- Claim 11 recites the limitation "said means for sensing" in line 8. Also, claim 11 recited the limitation "said first mention vibration" in line 9. There is insufficient antecedent basis for this limitation in the claim.
- It is also unclear to what each "vibrations" in the claim is referring. There is only reference in the claim to "vibrations caused by at least one of the travel of a vehicle over a surface and by the operation of an engine of said vehicle." Later the use of "vibrations" is believed to be referring to a separate type of vibration. Again, the examiner suggests clarifying.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Hartel et al. (US 2002/0130533) in view of Card (US 6,547,043). Regarding claim 5, Hartel et al. discloses a system for dampening vibrations transmitted from a surface over which a vehicle traverses (see abstract), and the engine of said vehicle, said vehicle having a steering column (6) being supported on a retainer (5) connected to the body of said vehicle, operatively connected to a steering gear and having a steering wheel, comprising: means for emitting suppressing vibrations (8) and operatively connectable

to a control means (10); and means for sensing vibrations (see paragraph [0021]), and operatively connectable to said control means. Hartel et al. fails to disclose the means for sensing vibrations mounted on said steering column between said vibration emitting means and said steering wheel. It would have been obvious to one having ordinary skill in the art at the time of the invention to put the sensing means on the steering column instead by the pillar and near the cross member, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Regarding claim 6, Hartel et al. discloses the suppression vibration emitting means being a piezoceramic actuator (paragraph [0019]). Regarding claim 7, Hartel et al. discloses that actuator includes at least two piezoceramic elements spaced about the periphery of the steering column and being firmly secured to the surface thereof (see paragraph [0020]). Regarding claim 8, Hartel et al. discloses the actuator having a stack of piezo elements forming a longitudinal section of said steering column across the cross-section thereof (see paragraphs [0019]-[0021]). Regarding claim 9, Hartel et al. discloses the control means operatively connected to the sensing means and said suppression vibration emitting means (see paragraph [0019] and Figure 1). Regarding claim 10, Hartel et al. discloses the control means is operable to apply a signal to the actuator causing said actuator to vibrate at a frequency equal and opposite in phase to a sensed frequency (see paragraph [0021]).

Response to Arguments

5. Applicant's arguments with respect to claims 5-10 have been considered but are moot in view of the new ground(s) of rejection. Although the arguments argue that the

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applied art did not include all limitations, it still would have been obvious to one having ordinary skill in the art, thus requiring the new rejection under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tiffany L Webb
Examiner
Art Unit 3616

RUTH ILAN
PRIMARY EXAMINER


8/20/07

tlw